

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #16	CCRB Case #: 202104754	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/31/2021 8:54 PM	Location of Incident: Northwest corner of West 21st Street and Surf Avenue	Precinct: 60	18 Mo. SOL 1/31/2023	EO SOL 1/31/2023	
Date/Time CV Reported Wed, 08/11/2021 8:10 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 08/11/2021 8:10 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jiantong Li	12604	967579	060 PCT
2. POM Conner Anzalone	15317	961622	060 PCT
3. POM Meir Benishai	17590	967769	060 PCT
4. SGT Tyrone Cassara	01161	950172	060 PCT
5. POM Paul Incorvaia	12325	967556	060 PCT
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Fitzpatrick	29869	967066	060 PCT
2. POM Matthew Sheridan	26399	965525	060 PCT
3. SGT Philip Green	04723	949059	060 PCT
4. POF Alaina Oppedisano	06000	966750	060 PCT
5. POM Robert Desena	03631	961726	060 PCT
6. POF Victoria Cann	02116	960498	060 PCT
7. POM Shazeel Zahid	18258	959396	060 PCT
8. POM Christophe Collins	08723	961702	060 PCT
9. POM Daniel Moussannef	14212	967618	060 PCT
10. POM Mandeepal Multani	14564	964180	060 PCT
11. POM Boruch Ruvinov	28496	966931	060 PCT
12. POM Harwinder Singh	07920	961694	060 PCT
13. POM Thomas Fiorella	18179	952734	060 PCT
14. POF Erin Blum	16130	966466	060 PCT
15. POM Michael Moran	20363	970006	060 PCT
16. POM Endri Domi	18582	958253	060 PCT
17. POM Matthew Phelan	22225	962689	060 PCT
18. POM Matthew James	27321	968512	060 PCT
19. SGT John Christie	02227	915452	060 PCT
20. POM Anoop Thomas	15808	967702	060 PCT
21. POM Lee Pettyjohn	08969	961102	060 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
22. POM Charles Defilipo	00584	961729	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Meir Benishai	Abuse: Police Officer Meir Benishai stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Meir Benishai	Abuse: Police Officer Meir Benishai refused to provide his name to § 87(2)(b)	
C.POM Meir Benishai	Discourtesy: Police Officer Meir Benishai spoke discourteously to § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
E.POM Jiantong Li	Force: Police Officer Jiantong Li used physical force against § 87(2)(b)	
F.POM Paul Incorvaia	Force: Police Officer Paul Incorvaia used physical force against § 87(2)(b)	
G.POM Paul Incorvaia	Discourtesy: Police Officer Paul Incorvaia spoke discourteously to § 87(2)(b)	
H.POM Conner Anzalone	Discourtesy: Police Officer Conner Anzalone spoke discourteously to § 87(2)(b)	
I.POM Conner Anzalone	Discourtesy: Police Officer Conner Anzalone spoke discourteously to § 87(2)(b)	
J.POM Conner Anzalone	Off. Language: Police Officer Conner Anzalone made remarks to § 87(2)(b) based upon race.	
K.SGT Tyrone Cassara	Abuse: Sergeant Tyrone Cassara searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
L.POM Jiantong Li	Abuse: Police Officer Jiantong Li seized § 87(2)(b) property.	

Case Summary

On August 11th, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. The CCRB generated a second complaint under case § 87(2)(b) to address § 87(2)(b) complaint regarding an incident that occurred on August 1, 2021.

On July 31st, 2021, at approximately 8:54 PM, PO Jiantong Li, PO Conner Anzalone, PO Meir Benishai, Sgt. Tyrone Cassara, and PO Paul Incorvaia, all of the 60th Precinct, stopped § 87(2)(b) vehicle for running a steady red light (**Allegation A: Abuse of Authority**, § 87(2)(g) § 87(2)(b) fiancé, § 87(2)(b) was in the passenger seat. PO Benishai approached the vehicle and requested § 87(2)(b) documentation, which he did not provide. § 87(2)(b) asked PO Benishai for his name, and he did not give it to her (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b) pepper sprayed PO Benishai in the face and PO Benishai said, “Fuck” and, “Fucking” approximately 30 times (**Allegation C: Discourtesy**, § 87(2)(g) An officer allegedly stated, “What the fuck is that?” (**Allegation D: Discourtesy**, § 87(2)(g) § 87(2)(b)

PO Li and PO Incorvaia pulled § 87(2)(b) out of the vehicle and attempted to handcuff her as she was on the ground (**Allegations E and F: Force**, § 87(2)(g) PO Incorvaia told § 87(2)(b) “Give us your fucking arms” (**Allegation G: Discourtesy**, § 87(2)(g) PO Anzalone assisted Sgt. Cassara with handcuffing § 87(2)(b) and while doing so he stated, “Motherfucker” (**Allegation H: Discourtesy**, § 87(2)(g) Once § 87(2)(b) was in handcuffs, the officers lifted her to her feet as PO Anzalone stated, “Get the fuck up you fucking animal...fuck” (**Allegations I: Discourtesy**, § 87(2)(g) (**Allegation J: Offensive Language**, § 87(2)(g) § 87(2)(b) Sgt. Cassara retrieved § 87(2)(b) pepper spray from the front passenger seat of § 87(2)(b) vehicle (**Allegation K: Abuse of Authority**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) were transported to the 60th Precinct stationhouse and § 87(2)(b) vehicle was seized from the scene (**Allegation L: Abuse of Authority**, § 87(2)(g) § 87(2)(b)

PO Christopher Fitzpatrick, PO Matthew Sheridan, Sgt. Philip Green, PO Alaina Oppedisano, PO Robert Desena, PO Victoria Cann, PO Shazeel Zahid, PO Christopher Collins, PO Daniel Moussannef, PO Mandeepal Multani, PO Boruch Ruvinov, PO Harwinder Singh, PO Thomas Fiorella, PO Erin Blum, PO Michael Moran, PO Endri Domi, PO Matthew Phelan, PO Matthew James, Sgt. John Christie, PO Anoop Thomas, PO Lee Pettyjohn, and PO Charles Defilipo, all of the 60th Precinct, also responded.

§ 87(2)(b) was arrested and charged with criminal possession of a weapon, obstructing governmental administration, and resisting arrest (**BR 31**). § 87(2)(b) was arrested and charged with assault on a police officer, assault in the second degree, criminal possession of a weapon, obstructing governmental administration, resisting arrest, and disorderly conduct (**BR 32**).

BWC footage was received from the cameras of PO Jiantong Li, PO Conner Anzalone, PO Meir Benishai, Sgt. Tyrone Cassara, PO Paul Incorvaia, PO Christopher Fitzpatrick, PO Matthew Sheridan, Sgt. Philip Green, PO Alaina Oppedisano, PO Robert Desena, PO Victoria Cann, PO Shazeel Zahid, PO Christopher Collins, PO Daniel Moussannef, PO Mandeepal Multani, PO Boruch Ruvinov, PO Harwinder Singh, PO Thomas Fiorella, PO Erin Blum, PO Michael Moran, PO Endri Domi, PO Matthew Phelan, PO Matthew James, Sgt. John Christie, PO Anoop Thomas, PO Lee Pettyjohn, and PO Charles Defilipo (**BR 02-BR 30**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Meir Benishai stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

This allegation was pleaded solely against PO Benishai because he acknowledged that it was his decision to stop § 87(2)(b) and he was the contact officer for the stop.

All of the officers interviewed stated that they stopped § 87(2)(b) vehicle for running a red light and § 87(2)(b) and § 87(2)(b) refuted this. It is undisputed that § 87(2)(b) vehicle had illegal window tints.

§ 87(2)(b) stated (**BR 33**) that prior to being stopped, he made a right turn onto Surf

Avenue while the light was green. The window tints on § 87(2)(b) vehicle were slightly darker than the legal limit.

§ 87(2)(b) declined to participate in the investigation.

PO Incorvaia (BR 35), PO Li (BR 34), PO Anzalone (BR 36), and PO Benishai (BR 37) stated that prior to stopping § 87(2)(b) they observed him run a steady red light, which was the reason for the traffic stop. PO Benishai stated that when § 87(2)(b) ran the light, he noticed that § 87(2)(b) vehicle had window tints that appeared to be beyond the legal limit. PO Benishai stated that although he observed the window tints at this time, he stopped § 87(2)(b) for running the red light. PO Benishai stated it was his decision to stop § 87(2)(b) vehicle.

At 01:00 into PO Benishai's BWC (BR 02) he approaches § 87(2)(b) vehicle and tells § 87(2)(b) he ran a light and § 87(2)(b) and § 87(2)(b) dispute this. At 01:50 into the video, PO Benishai explains again that § 87(2)(b) ran a red light. § 87(2)(b) says he drove through a yellow light and § 87(2)(b) says it was a green light. At 02:00 into the video, § 87(2)(b) and § 87(2)(b) continue arguing with PO Benishai about whether § 87(2)(b) ran the red light.

Although it is undisputed that § 87(2)(b) had illegal window tints on his vehicle, the officers consistently stated that § 87(2)(b) was stopped for running a red light. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Meir Benishai refused to provide his name to § 87(2)(b)

Allegation (C) Discourtesy: Police Officer Meir Benishai spoke discourteously to § 87(2)(b)

§ 87(2)(b)

Allegation (D) Discourtesy: An officer spoke discourteously to § 87(2)(b)

It is undisputed that when PO Benishai approached § 87(2)(b) vehicle, § 87(2)(b) and § 87(2)(b) argued with him about whether § 87(2)(b) ran a red light. PO Benishai opened the driver's door and grabbed § 87(2)(b) hand to place him under arrest for not providing his documentation. § 87(2)(b) then pepper sprayed PO Benishai. PO Benishai stated, "Fuck" and, "Fucking" approximately 30 times throughout the incident.

§ 87(2)(b) stated that after § 87(2)(b) discharged the pepper spray, an officer said, "Ah, what the fuck is that?" § 87(2)(b) made no mention of § 87(2)(b) requesting PO Benishai's name or of PO Benishai using profanity.

PO Benishai initially stated that § 87(2)(b) did not request his name during the incident however, upon viewing his own BWC footage from 01:29 to 02:08 (BR 02), he acknowledged that the video depicts this occurring. PO Benishai believed he did not hear § 87(2)(b) make this request during the incident because he and § 87(2)(b) were in the middle of a back-and-forth argument about why PO Benishai pulled him over. PO Benishai stated that even if he had heard § 87(2)(b) make this request for his name, he would not have provided it in this moment because he was speaking with § 87(2)(b) who was his main concern at the time. PO Benishai stated he would have provided his name at another point in the incident if he had heard § 87(2)(b) make this request.

PO Benishai stated that after he was pepper sprayed by § 87(2)(b) the vision in his left eye was completely black and the vision in his right eye was very blurry. PO Benishai was afraid that the substance in his eyes was a homemade concoction that could permanently blind him. PO Benishai said, "Fuck" and, "Fucking" approximately 30 times because he was in a lot of pain, and he did not know what § 87(2)(b) sprayed into his eyes. PO Benishai's use of profanity was not directed toward any civilians. As PO Benishai was unable to see anything, he heard Sgt. Cassara repeatedly yelling his name because Sgt. Cassara did not have handcuffs on him as arrests were taking place. PO Benishai had his eyes flushed with a saline solution by EMS on scene and again at

the hospital following the incident. PO Benishai felt the pain from the pepper spray for weeks.

PO Benishai and PO Anzalone both stated they did not recall an officer saying, “What the fuck is that.”

At 01:00 into PO Benishai’s BWC footage (BR 02), PO Benishai approaches § 87(2)(b) vehicle and tells him he ran a light. § 87(2)(b) and § 87(2)(b) simultaneously refute this. § 87(2)(b) repeatedly asks why PO Benishai is pulling him over. In the midst of § 87(2)(b) asking this, and at 01:40 into the video, § 87(2)(b) says, “For what? For what? What is your name?” § 87(2)(b) says, “I see his badge. Why are you pulling me over?” PO Benishai explains again that § 87(2)(b) is being pulled over for running a red light and § 87(2)(b) and § 87(2)(b) simultaneously refute this again. Throughout this conversation, PO Benishai is only responding to § 87(2)(b) and does not engage in conversation with § 87(2)(b) at any point.

At 02:15 into the video, § 87(2)(b) pepper sprays PO Benishai and he walks away from the vehicle. PO Benishai does not have any further contact with § 87(2)(b) or § 87(2)(b) during the incident. Throughout the remaining 7 minutes and 13 seconds of PO Benishai’s BWC footage, he states, “Fuck” and, “Fucking” approximately 30 times as he says he cannot see, tells the officers to call an ambulance, rinses his eyes with water, and receives treatment from EMS. PO Benishai’s profanity use is not directed toward any civilians at any point.

PO Anzalone’s BWC footage captures the moments after § 87(2)(b) discharged the pepper spray and does not depict an officer stating, “What the fuck is that.”

Administrative Guide Procedure 304-11 (BR 50) states officers must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so.

Patrol Guide Procedure 200-02 (BR 40) states members of service must respect the dignity of each individual and render services with courtesy and civility. While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (BR 38). Officers may use profanities “in the context of a dynamic situation over which [he or she is] attempting to gain control,” but may not do so when it “[serves] no legitimate purpose but to belittle” a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (BR 39).

Given that BWC shows that when § 87(2)(b) requested PO Benishai’s name, § 87(2)(b) and § 87(2)(b) were simultaneously addressing PO Benishai and speaking over each other, and that PO Benishai was only responding to § 87(2)(b) during this conversation, § 87(2)(g) § 87(2)(b) Moreover, even if PO Benishai had heard § 87(2)(b) make this request, given that she pepper sprayed him in the face approximately 40 seconds later, § 87(2)(b) § 87(2)(b)

Moreover, given that PO Benishai’s profanity was used in the context of him being painfully blinded by an unknown substance during a traffic stop as two arrests were taking place, and that it was not directed toward any civilians, § 87(2)(g) § 87(2)(b)

Furthermore, given that BWC footage of the moment during which § 87(2)(b) alleged an officer stated, “What the fuck is that” does not depict this occurring, § 87(2)(g) § 87(2)(b)

Allegation (E) Force: Police Officer Jiantong Li used physical force against § 87(2)(b)

Allegation (F) Force: Police Officer Paul Incorvaia used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) was arrested for pepper spraying PO Benishai. PO Li and PO Incorvaia pulled § 87(2)(b) out of the vehicle, and she ended up on the ground. § 87(2)(b) resisted the officers’ efforts to handcuff her.

§ 87(2)(b) stated officers pulled § 87(2)(b) out of the vehicle by her arms, causing her

to land on her back on the ground. The officers tried to move § 87(2)(b) on her stomach to handcuff her. § 87(2)(b) “struggled” with the officers, but § 87(2)(b) could not describe what § 87(2)(b) was doing physically, other than trying to get up. The officers placed their knees on § 87(2)(b) back and legs. § 87(2)(b) said, “Get off me,” § 87(2)(b) told § 87(2)(b) to let the officers handcuff her. § 87(2)(b) then told the officers that § 87(2)(b) was pregnant.

PO Li stated he and PO Incorvaia grabbed § 87(2)(b) arms to remove her from the vehicle. PO Incorvaia stated he grabbed § 87(2)(b) legs while PO Li grabbed her upper body as they pulled her from the vehicle. PO Incorvaia stated § 87(2)(b) kicked her legs, but she did not make contact with him when she did this. Both officers stated that once § 87(2)(b) was out of the vehicle, she dropped her body weight to the ground, landed on her stomach, and kept her hands underneath her body. PO Li and PO Incorvaia grabbed § 87(2)(b) arms, removed them from underneath her body, and handcuffed her. The officers lifted § 87(2)(b) off the ground and walked her to a police van.

PO Anzalone stated that PO Incorvaia and PO Li had trouble getting § 87(2)(b) out of the vehicle because she was kicking them and screaming. PO Anzalone went around the vehicle to assist the officers and when he got there, § 87(2)(b) was outside on the ground on her back kicking them and flailing her arms. PO Anzalone did not know how the officers got § 87(2)(b) onto the ground. The officers turned § 87(2)(b) over and she continued kicking, flailing, and resisting arrest.

At 02:20 into PO Incorvaia’s BWC footage (BR 04), he and PO Li attempt to grab § 87(2)(b) as she is sitting in the front passenger seat. § 87(2)(b) hits PO Li and kicks PO Incorvaia as she tells them to get off her. At 02:40 into the video, PO Incorvaia grabs § 87(2)(b) legs as PO Li grabs her arms and they pull her out of the vehicle. At 2:50, § 87(2)(b) is on her stomach and the officers attempt to handcuff her. PO Incorvaia tells § 87(2)(b) to give the officers her arm and she tells him no. At 3:37, while § 87(2)(b) is on the ground and the officers are asking § 87(2)(b) to give them her arm, § 87(2)(b) says she is pregnant.

Patrol Guide Procedure 221-01 (BR 45), states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody.

§ 87(2)(g) § 87(2)(b) had just assaulted PO Benishai with pepper spray, that she was under arrest for doing so, and that she hit, kicked, and resisted the officers efforts to handcuff her, § 87(2)(g)

Allegation (G) Discourtesy: Police Officer Paul Incorvaia spoke discourteously to § 87(2)(b).

Allegation (H) Discourtesy: Police Officer Conner Anzalone spoke discourteously to § 87(2)(b).

Allegation (I) Discourtesy: Police Officer Conner Anzalone spoke discourteously to § 87(2)(b).

Allegation (J) Offensive Language: Police Officer Conner Anzalone made remarks to § 87(2)(b) based upon race.

It is undisputed that while attempting to handcuff § 87(2)(b) PO Incorvaia stated, “Give us your fucking arms.” After § 87(2)(b) was in handcuffed, the officers lifted her to her feet and PO Anzalone stated, “Get the fuck up you fucking animal.” PO Anzalone walked away as he stated, “Fuck.” PO Anzalone assisted Sgt. Cassara with handcuffing § 87(2)(b) and as he locked the handcuffs, he stated, “Motherfucker.”

PO Incorvaia stated that while handcuffing § 87(2)(b) he gave verbal commands for her to give the officers her arms, but she did not comply. Initially PO Incorvaia did not recall saying,

“Give us your fucking arms,” however upon viewing 02:07 to 03:20 of his own BWC footage (**BR 04**), he acknowledged that he made this statement to get § 87(2)(b) to comply so the officers could place her into handcuffs as quickly as possible.

PO Anzalone stated that when he said, “Get the fuck up you fucking animal,” § 87(2)(b) was refusing to get up, she was cursing, and she was kicking. PO Anzalone stated he had no reason for using profanity in this moment. PO Anzalone stated that the reason he called § 87(2)(b) an animal was because she had just feloniously assaulted and blinded PO Benishai and PO Anzalone did not know if he would get his vision back. PO Anzalone stated that when he said “animal,” he meant a person that assaults police officers with a spray and blinds them. PO Anzalone said this statement was not made in reference to § 87(2)(b) race and was only made in reference to § 87(2)(b) blinding PO Benishai.

PO Anzalone did not recall stating, “Motherfucker,” however upon viewing 03:28 to 03:40 of his BWC footage (**BR 03**), he acknowledged making this statement. PO Anzalone stated he used profanity at this time because it was the heat of the moment, § 87(2)(b) was not handcuffed, and he was resisting. PO Anzalone did not recall stating, “Fuck,” however upon viewing 04:38 to 04:46 of his BWC footage, he acknowledged making this statement. PO Anzalone stated he used profanity in this moment because he was frustrated that his partner had just been sprayed with pepper spray in his eyes and blinded. PO Anzalone also got pepper spray in his mouth and somewhat in his eyes. PO Anzalone stated there was no other reason he used profanity in this moment.

At 03:05 into PO Incorvaia’s BWC footage (**BR 04**), he states, “I got one arm.” § 87(2)(b) says, “Let me get my glasses” and PO Incorvaia states, “Give us your fucking arm.” § 87(2)(b) responds, “No, let me get my glasses.” PO Incorvaia states, “I’ll let you get your glasses when you give us your arm.” § 87(2)(b) states, “No.” The video does not clearly depict what is happening at this point because the camera is obstructed by PO Incorvaia’s arm as he holds onto § 87(2)(b). At 03:55 into the video, PO Incorvaia asks § 87(2)(b) to give them her arm and she responds, “No, get the fuck off me.” At 04:50 into the video, the officers handcuff § 87(2)(b).

At 03:30 into PO Anzalone’s BWC footage (**BR 03**), he states, “Motherfucker” as he is handcuffing § 87(2)(b). At 04:30 into the video, the officers lift § 87(2)(b) to her feet as PO Anzalone states, “Get the fuck up, you fucking animal...fuck.”

Patrol Guide Procedure 200-02 (**BR 40**) states members of service must respect the dignity of each individual and render services with courtesy and civility. While police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations. Disciplinary Case 2013-10143 (**BR 38**). Officers may use profanities “in the context of a dynamic situation over which [he or she is] attempting to gain control,” but may not do so when it “[serves] no legitimate purpose but to belittle” a civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (**BR 39**).

Per the National Education Association (**BR 41**), the word animal has a history of dehumanizing people of color, and as such should be classified as offensive language when applied to a person.

§ 87(2)(g) in the moment PO Incorvaia states, “Get your fucking arms behind your back,” he was issuing a lawful command to § 87(2)(b) as she was resisting arrest, § 87(2)(g)

Moreover, although § 87(2)(b) was not yet in handcuffs at the point during which PO Anzalone referred to him as a “motherfucker,” § 87(2)(g)

Furthermore, offensive language, unlike discourteous language, contains no caveats or

permissible uses, and the words are thus forbidden. § 87(2)(g)

Allegation (K) Abuse of Authority: Sergeant Tyrone Cassara searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) made no mention of Sgt. Cassara going into his vehicle, however BWC footage depicts this occurring after § 87(2)(b) and § 87(2)(b) are placed under arrest.

At 07:01 into Sgt. Cassara's BWC footage (BR 28), he shines a flashlight into § 87(2)(b) car. Sgt. Cassara opens the front passenger's door, breaks the plane of the vehicle, and removes the pepper spray canister from the vehicle.

In People v. Belton, 55 N.Y.2d 49 (1982) (BR 44), the court held that a valid arrest for a crime authorizes a warrantless search of a vehicle when the circumstances give reason to believe that the vehicle or its visible contents may be related to the crime for which the arrest is being made, as possibly containing contraband or as having been used in the commission of the crime, or there is reason to believe that a weapon may be discovered or access to means of escape thwarted.

§ 87(2)(g) § 87(2)(b) was being arrested for pepper spraying the officers from the passenger seat of § 87(2)(b) vehicle, § 87(2)(g)

Allegation (L) Abuse of Authority: Police Officer Jiantong Li seized § 87(2)(b) property.

It is undisputed that § 87(2)(b) and § 87(2)(b) were arrested, and § 87(2)(b) vehicle was seized from the scene.

§ 87(2)(b) stated that a day or two following the incident, he went to the 60th Precinct stationhouse and asked PO Li about his vehicle. PO Li told § 87(2)(b) that the car was forfeited because it was used in a crime.

PO Li stated an officer, whom he did not recall, transported § 87(2)(b) vehicle to the 60th Precinct stationhouse to be forfeited because it was used in a crime. PO Li vouchered § 87(2)(b) vehicle.

The Property Voucher for § 87(2)(b) vehicle (BR 43) shows it was initially vouchered by PO Li on August 1st, 2021, as forfeiture in connection to crimes regarding § 87(2)(b) and § 87(2)(b) arrests during the incident. On August 10th, 2021, the Property Voucher was updated to reflect that the vehicle was vouchered as arrest evidence.

Patrol Guide Procedure 218-19 (BR 01) states officers may take vehicles into police custody as arrest evidence.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)

§ 87(2)(b)

- PO Li has been a member of service for three years and has been a subject in four CCRB complaints and seven allegations.
 - § 87(2)(g)
 - 202008286 involves allegations of a question and a refusal to obtain medical treatment and currently remains open.
 - § 87(2)(g)
 - 202106681 involves an allegation of force and currently remains open.
 - § 87(2)(g)
- PO Anzalone has been a member of service for six years and this is the first CCRB complaint to which he has been a subject.
- PO Benishai has been a member of service for three years and has been named a subject in one CCRB complaint and five allegations.
 - 202105632 involves allegations of refusal to provide name, refusal to provide shield number, vehicle search, and discourtesy and currently remains open.
 - § 87(2)(g)
- Sgt. Cassara has been a member of service for 11 years and has been named a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- PO Incorvaia has been a member of service for three years and has been named a subject in one CCRB complaint and one allegation.
 - 202201025 involves an allegation of force and currently remains open.
 - § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- On July 22, 2022, a Notice of Claim search request was submitted to the NYC Comptroller's Office, the results of which will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator:	Inv. Dean	Inv. Dean	7/28/22
	Signature	Print Title & Name	Date

CCRB Case # 202104754

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date